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Practitioner's Docket No. U 012858-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Anand C. Burman, et al.

Application No.: 09/630,345

Group No.: 1653

Filed: July 31, 2000

Examiner: Mohamed, Abdel A.

For: NOVEL PEPTIDES FOR TREATMENT OF CANCER

[ ] \*Patent No.: Issue Date:  
Reexamination Date:

\*NOTE: Preferably also insert inventor's name and invention title.

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. SECTION 1.321(c))

Identification of Person(s) Making This Disclaimer

I, Janet I. Cord  
(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

[ ] an inventor (applicant) of this invention.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

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[ ] deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date: June 24, 2004

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[ ] transmitted by facsimile to the Patent and Trademark Office to (703) 872-9306

Janet I. Cord  
Signature

JANET I. CORD  
(type or print name of person certifying)

06/30/2004 YPOLITE1 00000070 09630345

02 FC:1814

110.00 OP

**WARNING:**

*"If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, government agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 56-61 at 56, § 1490, M.P.E.P., 7<sup>th</sup> Edition.*

- ☐ an assignee of this invention.  
☐ a representative authorized to sign on behalf of the assignee identified below.  
☐ A statement under 37 C.F.R. Section 3.73(b) is attached.  
☒ the attorney of record for this invention.

**NOTE:** *The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with Section 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56. See also Section 1490, M.P.E.P., 7<sup>th</sup> Edition.*

**IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT**  
(if any)

The assignee is

Name of assignee Dabur Research Foundation

Address of assignee 22, Site IV Sahibabad

Ghaziabad-201010 (U.P.) INDIA

If signed by assignee, title of disclaimant authorized to sign on behalf of assignee

**EXTENT OF DISCLAIMANT'S INTEREST**

The extent of the interest in this invention that the disclaimant owns is:

- ☒ the whole of this invention.  
☐ a sectional interest in this invention, as follows:

**NOTE:** *Disclaimers from the whole interest must be filed.*

(state the exact interest of the disclaimant)

The disclaimant is:

- ☐ the applicant(s) \_\_\_\_\_ (name of applicants)  
☒ the assignee(s) Dabur Research Foundation (name of assignee)

**RECORDAL OF ASSIGNMENT IN PTO**  
*(if applicable)*

☒ [X] The assignment was recorded on July 31, 2000

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☐ [ ] Authorization for recordal of the assignment is separately filed:

☐ [ ] "ASSIGNMENT (DOCUMENT) COVER SHEET" or

☐ [ ] FORM PTO 1595 is also attached.

**DISCLAIMER**

*(select one of the following)*

**(Provisional Obviousness-Type Double Patenting Rejection Over A Pending Application)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on Application No. 09/248,382, filed on February 10, 1999, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No.: 09/248,382, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**DISCLAIMER FEE (37 C.F.R. Section 1.20(d))**

☒ Other than a small entity--fee \$110.00

☐ Small entity--fee \$55.00

☐ Small entity statement attached

☐ Small entity statement already filed

☐ in patent application \_\_\_\_\_ on \_\_\_\_\_  
(date)

OR

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\_\_\_\_\_  
**Signature of disclaimant**

or

Date: June 24, 2004

Reg. No.: 33,778

Customer No.:

  
**SIGNATURE OF ATTORNEY OF RECORD**

Janet I. Cord  
*(type or print name of practitioner)*

\_\_\_\_\_  
P.O. Address

\_\_\_\_\_  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023



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Address of assignee 22, Site IV Sahibabad

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Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,492,330 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

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Janet I. Cord  
*(type or print name of practitioner)*

Customer No.:

\_\_\_\_\_  
P.O. Address

\_\_\_\_\_  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023